

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re continuation application of

Timothy A. Bekkedahl et al

Examiner: S. Tsang Foster

Serial No.

Art Unit: 1745

Filed:

Docket No. C-2370B

Title: FUEL CELL HAVING A HYDROPHILIC
SUBSTRATE LAYER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Preliminary Remarks

This continuation application presents claim 5 with no diffusion layer, and related support at page 7 of the specification.

Claim 4 was rejected as anticipated by Dufner et al (Dufner) in the final rejection of the parent application dated July 1, 2003. It is believed that the allegation that "A pressure differential of about 2 disclosed in Dufner encompasses 1.5 to less than 2 psi since the pressure differential recited in Dufner et al is expressed to one significant figure", is flawed for two reasons.

First, rounding off of a number which the Office presents is believed to be irrelevant; the argument is backwards; the question is not what numbers will round up to "about 2"; the question is what does "about 2-3" suggest to those skilled in the art. Stated alternatively, the fact that "IF one had the number 1.5, or IF one had the number 1.7, and IF one wanted to round them, one may end up with 2" is irrelevant to the meaning of "about 2". The internet extractions provided with the Advisory Action do not say what the Advisory Action claims that they say. The internet extractions do not say a number "about 2 includes 1.5". It is novel and interesting, that the Advisory Action has taken that approach. However, those two